

LICENSING SUB-COMMITTEE



Report subject	Application to vary the premises licence for The Noisy Lobster Avon Beach Christchurch
Meeting date	12 May 2021
Status	Public Report
Executive summary	Avon Beach Ltd have made an application to vary the premises licence for the Noisy Lobster Avon Beach Mudeford to include the off sale of alcohol Monday to Sunday for 11:00 to 21:00 from a takeaway food hatch at the premises.
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members are asked to decide whether to: -</p> <ul style="list-style-type: none">a) Grant the application to vary the premises licence as made;b) Refuse the application to vary the premises licence;c) Grant the variation to the premises licence subject to additional conditions. <p>Members of the Licensing Sub- Committee are asked to make a decision at the end of the hearing after all relevant parties have been given the opportunity to speak. Members must give full reasons for their decision.</p>
Reason for recommendations	<p>The Licensing Authority has received representations from 44 other persons, on the grounds that to grant this application would undermine all four of the licensing objectives.</p> <p>The Licensing Authority may only consider aspects relevant to the application that have been raised in the representation.</p> <p>Where representations have been received in relation to an application by a responsible authority or any other person, and the concerns have not been resolved through mediation between all parties, the Scheme of Delegation set out in the Council's Constitution states that these applications should be dealt with by the Licensing Sub-Committee.</p>

Portfolio Holder(s):	Councillor May Haines – Community Safety
Corporate Director	Kate Ryan – Corporate Director for Environment & Community
Report Authors	Trudi Barlow – Licensing Officer
Wards	Mundeford, Stanpit & West Highcliffe;
Classification	For Decision

Background

1. An application to vary the current premises licence under the Licensing Act 2003 was submitted by the applicant Avon Beach Ltd on the 18 March 2021. See Appendix 1.
2. The application was to include the supply of alcohol for off sales from a hatch attached to the current premises. The hours for the off sales from this hatch are 11:00 to 21:00 daily. The hatch is currently providing hot take away food and the off sales of alcohol will be subject to the current licence conditions (see appendix 2) on the main restaurant/café, specifically in relation to conditions 14 and 22.
3. A plan is attached as Appendix 3 showing the location of the premises.

Consultation

4. The application has been served on all responsible authorities and the applicant confirmed that the statutory notices were displayed on site and published in the local newspaper.
5. During the consultation period in response to the application Dorset Police have mediated with the applicant and agreement has been reached that should the application to vary the premises licence be granted then further conditions shall be attached to the licence. Appendix 4. No representations were received from any of the other Responsible Authorities
6. The application prompted 44 representations from other persons in respect of all four of the licensing objectives see Appendix 5.

Options Appraisal

7. Before making a decision, Members are asked to consider the following matters:
 - The representation made by the other persons
 - The submissions made by or made on behalf of the applicant.
 - The relevant licensing objectives, namely the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm
 - The Licensing Act 2003, Regulations, Guidance and the Council's Statement of Licensing Policy.

Summary of financial implications

8. N/A

Summary of legal implications

9. If Members decide to refuse the application or attach conditions to the licence which the applicant does not agree to, the applicant may appeal to the Magistrates' Court within a period of 21 days beginning with the day that the applicant is notified, in writing, of the decision.

Summary of human resources implications

10. N/A

Summary of sustainability impact

11. N/A

Summary of public health implications

12. N/A

Summary of equality implications

13. N/A

Summary of risk assessment

14. N/A

Background papers

BCP Council – Statement of Licensing Policy –
<https://www.bcpCouncil.gov.uk/Business/Licences-and-Permits/Documents/Licensing/solp-2020.pdf>

Hearing Regulations – <https://www.legislation.gov.uk/ukSI/2005/44/contents/made>

Revised Guidance issued under Section 182 of the Licensing Act 2003 –
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

Appendices

- 1 – Application to vary the premise licence
- 2 – Copy current premises licence
- 3 – Location Plan
- 4 – Conditions agreed with Dorset Police
- 5 – Representations